SIKKIM

GOVERNMENT GAZETTE

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GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No. 04/2005/Elec. **Dated 10th June,2005.**

Notification No.56/2005/JS-III dated 14th May,2005 of the Election Commission of India, New Delhi is hereby republished for general information:-

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashok Road
New Delhi-110001.

No. 56/2005/JS-III **Dated 14th May,2005**
24th Vaisakha 1927(Saka)

NOTIFICATION

In exercise of the powers conferred by Article 324 of the Constitution of India, read with Rules 5 and 10 of the Conduct of Elections Rules, 1961, and all the other powers enabling it in this behalf, the Election Commission of India hereby makes the following Order to further amend the Election Symbols (Reservation and Allotment) Order, 1968, namely:-

1. Short title and commencement:-

(1) This Order may be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2005.
(2) It shall be deemed, and shall always be deemed, to have come into force with effect from 1st March,2004.

2. Substitution of paragraph 6A and 6B

In the Election Symbols (Reservation and Allotment) Order, 1968[hereinafter referred to as the 'Principal Order'], for existing paragraph 6A and 6B, the following paragraphs shall be substituted, namely:-

"6A. Conditions for recognition as a State Party

A Political party shall be eligible for recognition as a State Party in a State if, and only if, any of the following conditions is fulfilled:

i) At the last general election to the Legislative Assembly of the State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least two members to the Legislative Assembly of that State at such general election; or

ii) At the last general election to the House of the People from that State, the candidates set up by the party have secured not less than six percent of the total valid votes polled in the State; and, in addition, the party has returned at least one member to the House of the People from that State at such general election; or

iii) At the last general election to the Legislative Assembly of the State, the party has won at least three percent of the total number of seats in the Legislative Assembly, (any fraction exceeding half being counted as one), or at least three seats in the Assembly, whichever is more; or

iv) At the last general election to the House of the People from the State, the party has returned at least one member to the House of the People for every 25 members or any fraction thereof allotted to that State.

6B. Conditions for recognition as a National Party

A political party shall be eligible to be recognized as National party, if, and only if, any of the following conditions is fulfilled:

i) The candidates set up by the party, in any four or more States, at the last general election to the House of the People, or to the Legislative Assembly of the State concerned, have secured not less than six percent of the total valid votes polled in each of those States at that general election; and, in addition, it has returned at least four members to the House of the People at the aforesaid last general election from any State or States; or

ii) At the last general election to the House of the People, the party has won at least two percent of the total number of seats in the House of the People, any fraction exceeding half being counted as one: and the party's candidates have been elected to that House from not less than three States: or

iii) The party is recognized as State party in at least four States."

3. Substitution of clause(1) of paragraph 7.

In paragraph 7 of the Principal Order, for the existing clause (1), the following shall be substituted:

"(1) Notwithstanding anything contained in paragraph 6A, 6B or 6C, if any political party got recognized, whether before or after the commencement of the Election Symbols (Reservation and Allotment) (Amendment) Order, 2005, either as a National Party or as a State party, on satisfying the conditions for such recognition as they existed prior to such commencement, the said party shall continue to have and enjoy the status of such National or State party for the purposes of the next general election to the House of the People or, as the case may be, to the Legislative Assembly of the State concerned, depending on the election(s) which formed the basis for such recognition, and its continued recognition as such National or State party shall thereafter be dependent upon fulfillment by it of the conditions now specified in paragraph 6A or 6B, as the case may be:

Provided that nothing therein shall preclude the Commission from withdrawing the recognition of a party, either as a National Party or as a State Party, if it failed to satisfy any of the conditions for such recognition as they existed prior to, and also after, the commencement of the Election Symbols (Reservation and Allotment) (Amendment) Order, 2005."

By Order,

Sd/-
K. L. Wilfred
(Secretary)

(D. L. Topden)
Addl. Chief Electoral Officer,
Gangtok,Sikkim.

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